

Exhibit 3

Deason, Whitney

From: Westfall, Elizabeth (CRT) <Elizabeth.Westfall@usdoj.gov>
Sent: Thursday, July 17, 2014 1:26 PM
To: Roscetti, Jennifer
Cc: Ried, Lisa; Deason, Whitney; Hayes, Kevin; Whitley, David; Clay, Reed; Scott, John; Keister, Ronny; Tatum, Stephen; Wolf, Lindsey; Baldwin, Anna (CRT); Maranzano, Jennifer (CRT); Gear, Bruce (CRT); Dellheim, Richard (CRT); Berman, Robert (CRT); King, Ryan (CRT)
Subject: RE: United States' Responses to Defendants' Fourth Request for Production
Attachments: Lack of ID unpublished report (cited by Henrici).docx; Redmond Mailer (cited by Davidson).pdf; TrueTheVote (cited by Davidson).pdf

Dear Jennifer:

At the outset, we do not agree with your contention that the United States has failed to supplement its responses to Defendants' Fourth Set of Request for Production, numbers 3 through 7. Further, we maintain that the United States' expert reports contain all expert disclosures as required by Fed. R. Civ. P. 26(a)(2)(B).

We have attached an unpublished report cited in Dr. Jane Henrici's expert report entitled, "Lack of Identification and Associated Difficulties: Results from Study of Austin Panhandlers." Also attached are a campaign flyer, correspondence, and a screen shot of a webpage cited in Dr. Chandler Davidson's expert report. The screen shot attached hereto is the best available copy in Dr. Davidson's possession. We will produce bates stamped copies of these documents on Tuesday, July 22, as part of a supplemental document production that we are currently preparing.

Sincerely,

Elizabeth Westfall

Elizabeth S. Westfall
Trial Attorney
Voting Section, Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave., NW
NWB Room 7125
Washington, DC 20530
(202) 305-7766

From: Roscetti, Jennifer [mailto:jennifer.roscetti@texasattorneygeneral.gov]
Sent: Thursday, July 17, 2014 1:33 PM
To: Westfall, Elizabeth (CRT)
Cc: Ried, Lisa; Deason, Whitney; Hayes, Kevin; Whitley, David; Clay, Reed; Scott, John; Keister, Ronny; Tatum, Stephen; Wolf, Lindsey; Baldwin, Anna (CRT); Maranzano, Jennifer (CRT); Gear, Bruce (CRT); Dellheim, Richard (CRT)
Subject: RE: United States' Responses to Defendants' Fourth Request for Production

Ms. Westfall,

I am emailing to confirm our agreement following the Tuesday, July 15, teleconference as well as the content of your subsequent voicemail. During the phone conference we discussed the United States' failure to supplement its responses to Defendants Fourth Set of Request for Production, specifically requests 3 through 7, and concentrating on the underlying documents the Department of Justices' experts relied upon and considered in their reports. We did not

reach any agreement regarding producing documents relied upon and considered by Dr. Stephen Ansolabehere in preparing his report because that issue was being discussed separately between Ms. Baldwin and Mr. Whitley on a different conference call.

In your subsequent voicemail following our teleconference you confirmed that the United States will agree to produce all non-public information that their experts relied upon for their reports. You further agreed that this information would be produced the following day, July 16, via email. Please verify this is correct and that those documents have been produced to Defendants.

Sincerely,

Jennifer M. Roscetti

Assistant Attorney General
Office of the Attorney General
Consumer Protection Division
300 W.15th Street, 9th Floor
Austin, Texas 78701
512.475.4183 (t)
512.473.8301 (f)

From: Westfall, Elizabeth (CRT) [<mailto:Elizabeth.Westfall@usdoj.gov>]

Sent: Monday, July 14, 2014 5:02 PM

To: Roscetti, Jennifer

Cc: Ried, Lisa; Deason, Whitney; Hayes, Kevin; Whitley, David; Clay, Reed; Scott, John; Keister, Ronny; Tatum, Stephen; Wolf, Lindsey; Baldwin, Anna (CRT); Maranzano, Jennifer (CRT); Gear, Bruce (CRT); Dellheim, Richard (CRT)

Subject: RE: United States' Responses to Defendants' Fourth Request for Production

Great; thanks.

From: Roscetti, Jennifer [<mailto:jennifer.roschetti@texasattorneygeneral.gov>]

Sent: Monday, July 14, 2014 5:58 PM

To: Westfall, Elizabeth (CRT)

Cc: Ried, Lisa; Deason, Whitney; Hayes, Kevin; Whitley, David; Clay, Reed; Scott, John; Keister, Ronny; Tatum, Stephen; Wolf, Lindsey; Baldwin, Anna (CRT); Maranzano, Jennifer (CRT); Gear, Bruce (CRT); Dellheim, Richard (CRT)

Subject: RE: United States' Responses to Defendants' Fourth Request for Production

Elizabeth,

That time works for us as well. We will call your office line then.

Thank you,

Jennifer M. Roscetti

Assistant Attorney General
Office of the Attorney General
Consumer Protection Division
300 W.15th Street, 9th Floor
Austin, Texas 78701
512.475.4183 (t)
512.473.8301 (f)

From: Westfall, Elizabeth (CRT) [<mailto:Elizabeth.Westfall@usdoj.gov>]

Sent: Monday, July 14, 2014 4:54 PM

To: Roscetti, Jennifer

Cc: Ried, Lisa; Deason, Whitney; Hayes, Kevin; Whitley, David; Clay, Reed; Scott, John; Keister, Ronny; Tatum, Stephen; Wolf, Lindsey; Baldwin, Anna (CRT); Maranzano, Jennifer (CRT); Gear, Bruce (CRT); Dellheim, Richard (CRT)

Subject: RE: United States' Responses to Defendants' Fourth Request for Production

Jennifer:

Could we confer at 4:30 EDT/3:30 CDT tomorrow? If that time works for you, we may be reached in my office at the number below.

Sincerely,

Elizabeth

Elizabeth S. Westfall
Trial Attorney
Voting Section, Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave., NW
NWB Room 7125
Washington, DC 20530
(202) 305-7766

From: Roscetti, Jennifer [<mailto:jennifer.roscetti@texasattorneygeneral.gov>]

Sent: Monday, July 14, 2014 5:38 PM

To: Westfall, Elizabeth (CRT)

Cc: Ried, Lisa; Deason, Whitney; Hayes, Kevin; Whitley, David; Clay, Reed; Scott, John; Keister, Ronny; Tatum, Stephen; Wolf, Lindsey

Subject: United States' Responses to Defendants' Fourth Request for Production

Dear Ms. Westfall,

I am writing regarding the United States' failure to supplement its responses to the Defendants' Fourth Request for Production. Defendants' are specifically concerned with the requests no. 3 – 7 which encompass documents and communications relating to facts, data, or assumptions provided to or relied up on by experts. *See* FED. R. CIV. P. 26(b)(4)(C)(ii-iii). The United States previously objected to these requests as premature "insofar as it seeks documents that are expert disclosures ... which must be produced according to the deadlines set forth in the Amended Scheduling Order." Now that the expert disclosure deadline has passed, Defendants request that the United States produce responsive documents no later than Monday, July 21, 2014.

I understand you have recently conferred with David Whitley on a separate, but related matter concerning expert disclosures. Please let me know if you are available tomorrow afternoon to meet and confer regarding this matter.

Sincerely,

Jennifer M. Roscetti
Assistant Attorney General
Office of the Attorney General
Consumer Protection Division

300 W.15th Street, 9th Floor
Austin, Texas 78701
512.475.4183 (*t*)
512.473.8301 (*f*)